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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92060880
Party	Defendant FN Cellars, LLC
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Date	06/02/2015
Attachments	Motion to Suspend Cancellation Proceedings part 1.pdf(4665216 bytes ) Motion to Suspend Cancellation Proceedings part 2.pdf(4642490 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

UNION WINE COMPANY,  
An Oregon corporation,

Petitioner,

v.

FN CELLARS, LLC  
A Delaware Limited Liability Company

Respondent/Registrant

Cancellation No. 92060880

**MOTION TO SUSPEND CANCELLATION PROCEEDINGS**  
**PURSUANT TO 37 C.F.R. § 2.117(a)**

COMES NOW the Registrant, FN Cellars, LLC (“Registrant”) and respectfully requests that the Board suspend these Cancellation proceedings pursuant to 37 C.F.R. § 2.117(a) pending the outcome of a recently filed federal court civil action.

**INTRODUCTION**

1. On October 7, 2014, the United States Trademark Office issued U.S. Trademark Registration No. 4,618,420 for the Registrant’s trademark BELLA UNION.
2. On February 13, 2015, Petitioner filed a cancellation proceeding to cancel the Registrant’s trademark registration on BELLA UNION.
3. On March 23, 2015, Registrant filed an Answer to Petitioner’s cancellation proceeding and, at the same time, filed a counterclaim cancellation proceeding to cancel Petitioner’s U.S. Trademark Registration No. 4,486,053 for cancellation of Petitioner’s trademark registration on UNION WINE CO.

4. On May 21 2015, Registrant filed a Declaratory Judgment Action before the United States District Court for the Northern District of California (Case No. 3:15-cv-02301). A copy of the Federal Court Complaint is attached hereto as Exhibit A.

The federal action will address and resolve issues in these cancellation proceedings, and will have a bearing on these cancellation proceedings. Registrant moves to suspend these cancellation proceedings pending the resolution of the federal civil court action.

### **ARGUMENT**

The Board has the power to suspend proceedings in favor of a pending civil action pursuant to 37 C.F.R. § 2.117(a), which provides:

Whenever it shall come to the attention of the Trademark Trial and Appeal Board that a party or parties to a pending case are engaged in a civil action or another Board proceeding which may have a bearing on the case, proceedings before the Board may be suspended until termination of the civil action or the other Board proceeding.

The Board has regularly exercised this power in the interests of promoting judicial economy and conserving resources. *See, e.g., Arcadia Group Brands Ltd v. Studio Moderna SA*, 99 U.S.P.Q.2d 1134 (T.T.A.B. 2011); *The Other Telephone Co. v. Connecticut Nat'l Telephone Co.*, 181 U.S.P.Q. 125, 126-27 (T.T.A.B 1974) (proceeding stayed because outcome of district court action would be dispositive of issues in proceeding); *General Motors Corp. v. Cadillac Club Fashions Inc.*, 22 USPQ2d 1933 (T.T.A.B. 1992) (cancellation proceeding suspended in light of pending federal litigation because “[a] review of the complaint in the civil action indicates that a decision by the district court will be dispositive of the issues in this proceeding”).

Here, a suspension of the cancellation proceedings until the termination of the federal civil court action is in favor in light of judicial economy. The issues alleged in the cancellation proceedings, specifically (1) that the trademark registration for UNION WINE CO. is invalid and should be cancelled; and (2) that the trademark registration for BELLA UNION is invalid, are both issues which have been raised and will be adjudicated in the pending federal civil court action. *See, e.g., Vining Indus., Inc. v. The Libman Co.*, 1996 TTAB LEXIS 455 (TTAB July 16, 1996) (suspending Board proceedings in the interest of judicial economy in light of the affirmative defenses and counterclaims and requesting cancellation of, the registered mark.)

While answers have been filed in the cancellation proceedings and an initial discovery conference has taken place, substantive discovery in the cancellation proceedings has not yet started.

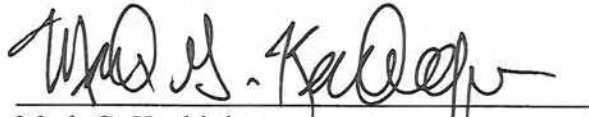
The instant cancellation proceedings are still in the very beginning stages, and accordingly, suspending the instant cancellation proceedings would be in the interests of promoting judicial economy and conserving resources.

### **CONCLUSION**

The cancellation proceedings should be suspended because the outcome of the proceedings in the federal civil court action will conclusively determine and be dispositive of at least some of the issues raised in the proceeding.

For all the foregoing reasons, Registrant respectfully requests that the instant cancellation proceeding be suspended until the termination of the federal civil court action pursuant to 37 C.F.R. § 2.117(a).

Respectfully submitted,



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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document was sent via e-mail and was mailed, first class, postage prepaid on the 2nd day of June, 2015 to:

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# EXHIBIT A

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FN CELLARS, LLC, a Delaware limited liability  
company,

Plaintiff,

v.

UNION WINE COMPANY, an Oregon  
corporation,

Defendant.

Case No.

PLAINTIFF'S COMPLAINT FOR:

- (1) Declaratory Relief (Validity of U.S.  
Trademark Reg. No. 4,618,420), 28  
U.S.C. §2201, *et. seq.*;
- (2) Declaratory Relief (Non-Infringement), 28  
U.S.C. §2201, *et. seq.*; and
- (3) Cancellation of U.S. Trademark Reg. No.  
4,486,053, 15 U.S.C. §§1064 and 1119.

1 Plaintiff FN Cellars, LLC (“FN Cellars”), by and for its complaint against Defendant Union  
2 Wine Company (“UWC”), alleges as follows:

3 **NATURE OF THE ACTION**

4 1. This is an action for (a) declaratory relief under authority of 28 U.S.C. §2201, *et*  
5 *seq.*, and (b) cancellation of U.S. Trademark Registration No. 4,486,053 pursuant to 15 U.S.C.  
6 §§1064 and 1119. Specifically, FN Cellars seeks a declaration of validity of its U.S. Trademark  
7 Registration No. 4,618,420 for the BELLA UNION mark, as well as a declaration that its use of the  
8 BELLA UNION mark does not violate the rights, if any, of UWC in the mark UNION WINE CO.  
9 for wines. FN Cellars further seeks cancellation of UWC’s registration of the UNION WINE CO.  
10 mark on the basis that UWC has never in fact used the term “Union Wine Co.” as a trademark to  
11 identify or distinguish its wine products, and that UWC’s registration was procured through fraud.

12 2. As explained below, this action was necessitated by UWC’s filing of a petition to  
13 cancel FN Cellars’ registration of the BELLA UNION mark for wines with the Trademark Trial and  
14 Appeal Board, alleging that the mark BELLA UNION is likely to be confused with UNION WINE  
15 CO. Said petition to cancel remains pending.

16 **JURISDICTION AND VENUE**

17 3. This Court has federal question jurisdiction over the subject of this action pursuant to  
18 15 U.S.C. §1121(a) and 28 U.S.C. §§1331 and 1338 (actions arising under the Lanham Act), and 28  
19 U.S.C. §2201, *et. seq.* (actions for declaratory judgment).

20 4. This Court has personal jurisdiction over UWC because UWC has purposefully  
21 availed itself of the benefits of this forum by, among other things, directing its wine products to be  
22 sold and consumed in California in the ordinary course of trade, or has otherwise engaged in  
23 substantial, continuous and systematic activities within this judicial district. Moreover, the acts  
24 giving rise to the claims asserted herein have been expressly aimed at, have occurred in, and will  
25 continue to occur in and impact FN Cellars in California and this District.

26 5. Venue properly lies within this District pursuant to 28 U.S.C. §1391, and in this  
27 Court, because FN Cellars’ principal place of business is located within this District, and UWC’s  
28 conduct necessitating this action has been directed at FN Cellars within this District.

**PARTIES**

6. FN Cellars is a limited liability company organized and existing under the laws of the State of Delaware with its principal place of business at One Acacia Drive, Oakville, California 94562. FN Cellars, together with its affiliates, operates several highly-regarded luxury wineries, including Far Niente Winery, Nickel & Nickel Vineyards, Dolce, and En Route, in addition to Bella Union.

7. On information and belief, UWC is a corporation organized and existing under the laws of the State of Oregon with its principal place of business at 19550 SW Cipole Road, Tualatin, Oregon 97062.

**INTRADISTRICT ASSIGNMENT**

8. This is an intellectual property action within the meaning of Local Rule 3-2(c) and therefore is not subject to intradistrict venue provisions.

**FACTS**

***FN Cellars and the BELLA UNION Mark***

9. FN Cellars, doing business as Bella Union Winery, is a winery located in Oakville, California, and the owner of the BELLA UNION trademark for wine (U.S. Trademark Registration No. 4,618,420). The English translation of the Italian word “BELLA”, as used in the mark, is “BEAUTIFUL” — *i.e.*, BEAUTIFUL UNION.

10. On July 5, 2013, FN Cellars’ predecessor-in-interest, Nickel & Nickel Vineyards, L.L.C. (“N&N”), filed U.S. Trademark Application Serial No. 86,002,964 to register the mark BELLA UNION for wine in International Class 33 on an intent-to-use basis.

11. After examination, the trademark examining attorney at the U.S. Patent and Trademark Office (the “USPTO”) found no conflicting marks (including UWC’s UNION WINE CO. mark) that would bar registration of the BELLA UNION mark for wine, despite the fact that, at the time, there were at a number of previously pending or registered marks in International Classes 33 and 32 that contained the word “Union”, and the mark was published for opposition in the *Official Gazette* on December 24, 2013.

1           12. As no third party — including UWC — opposed registration of N&N's BELLA  
2 UNION mark, on February 18, 2014, the USPTO issued a Notice of Allowance requiring N&N to  
3 filing a Statement of Use or a Request for Extension of Time to file a Statement of Use within six  
4 (6) months.

5           13. Thereafter, on August 11, 2014, N&N filed a Statement of Use declaring that the  
6 BELLA UNION mark had first been used in commerce at least as early as August 4, 2014, and  
7 submitted a specimen demonstrating such use.

8           14. On September 3, 2014, the USPTO issued a Notice of Acceptance of Statement of  
9 Use, and the BELLA UNION mark was subsequently registered on the Principal Register on  
10 October 7, 2014 (U.S. Trademark Registration No. 4,618,420). A true and correct copy of FN  
11 Cellars' federal registration certificate for the BELLA UNION mark, as maintained on the USPTO  
12 website, is attached hereto as Exhibit A.

13           15. Thereafter, on October 20, 2014, as part of an internal corporate reorganization,  
14 N&N assigned, sold, and conveyed its entire right, title and interest in and to the BELLA UNION  
15 mark to FN Cellars.

16           16. FN Cellars and/or its predecessor-in-interest, N&N, have used the BELLA UNION  
17 mark extensively and continuously on wine since at least as early as August 4, 2014, and by virtue  
18 of such extensive and continuous use, the BELLA UNION mark has become well known to the  
19 wine-consuming public and the trade, and a valuable asset of FN Cellars.

20           17. UWC and the UNION WINE CO. Mark

21           18. On information and belief, UWC is a winery located in Tualatin, Oregon.

22           19. On information and belief, on or about October 8, 2012, UWC filed U.S. Trademark  
23 Application Serial No. 85,747,805 to register the mark UNION WINE CO. for wines in  
24 International Class 33 on an intent-to-use basis.

25           20. On May 28, 2013, in response to UWC's application, the USPTO issued a Notice of  
26 Allowance, informing UWC that it would need to file a Statement of Use or a Request for  
27 Extension of Time to file a Statement of Use within six (6) months.  
28

1           21.     Thereafter, on November 27, 2013, UWC filed a Statement of Use, signed by  
2     UWC's President and Winemaker Ryan M. Harms, declaring that the UNION WINE CO. mark had  
3     first been used in commerce at least as early as October 9, 2013.

4           22.     In reliance on UWC's November 27, 2013 Statement of Use, the USPTO issued  
5     UWC U.S. Trademark Registration No. 4,486,053 for the UNION WINE CO. mark on February 18,  
6     2014. A true and correct copy of UWC's federal registration certificate for the UNION WINE CO.  
7     mark, as maintained on the USPTO website, is attached hereto as Exhibit B.

8           ***The Dispute***

9           23.     On or about June 15, 2014, approximately five (5) months following the expiration  
10    of the period within which to file an opposition to the registration of FN Cellars' BELLA UNION  
11    mark, UWC's trademark counsel sent a letter to N&N's trademark counsel, asserting that "[t]here is  
12    an obvious likelihood of confusion" between the BELLA UNION and UNION WINE CO. marks,  
13    because "the marks both contain the same dominant term 'UNION,' the goods are identical, they  
14    will move in the same channels of trade and they will be purchased by the same type of consumers."

15          24.     The June 15, 2014 letter further threatened that UWC would "proceed with a  
16    cancellation at its earliest possible juncture" in the event N&N did not "abandon [its] application [to  
17    register BELLA UNION] and provide [UWC] with an unequivocal undertaking not to use [the  
18    BELLA UNION] mark on wine."

19          25.     By letter dated July 10, 2014, N&N's counsel advised UWC that N&N disputed  
20    UWC's claim that there existed a likelihood of confusion between the BELLA UNION and UNION  
21    WINE CO. marks, noted the existence of numerous third party uses of the term "Union" in  
22    connection with wines and spirits, and explained that the two marks could co-exist without any  
23    legitimate threat of consumer confusion.

24          26.     By letter dated July 23, 2014, UWC reiterated its position that the BELLA UNION  
25    and UNION WINE CO. marks could not co-exist without causing confusion, and no further  
26    discussions occurred.

27          27.     Thereafter, on February 13, 2015, approximately four (4) months after the USPTO  
28    had issued a Certificate of Registration to N&N for the BELLA UNION mark for wine in

1 International Class 33, and seven (7) months after the parties' last communication regarding this  
2 dispute, UWC filed a Petition for Cancellation (Cancellation No. 92060880) of the BELLA UNION  
3 mark with the USPTO's Trademark Trial and Appeal Board alleging, among other things, that:

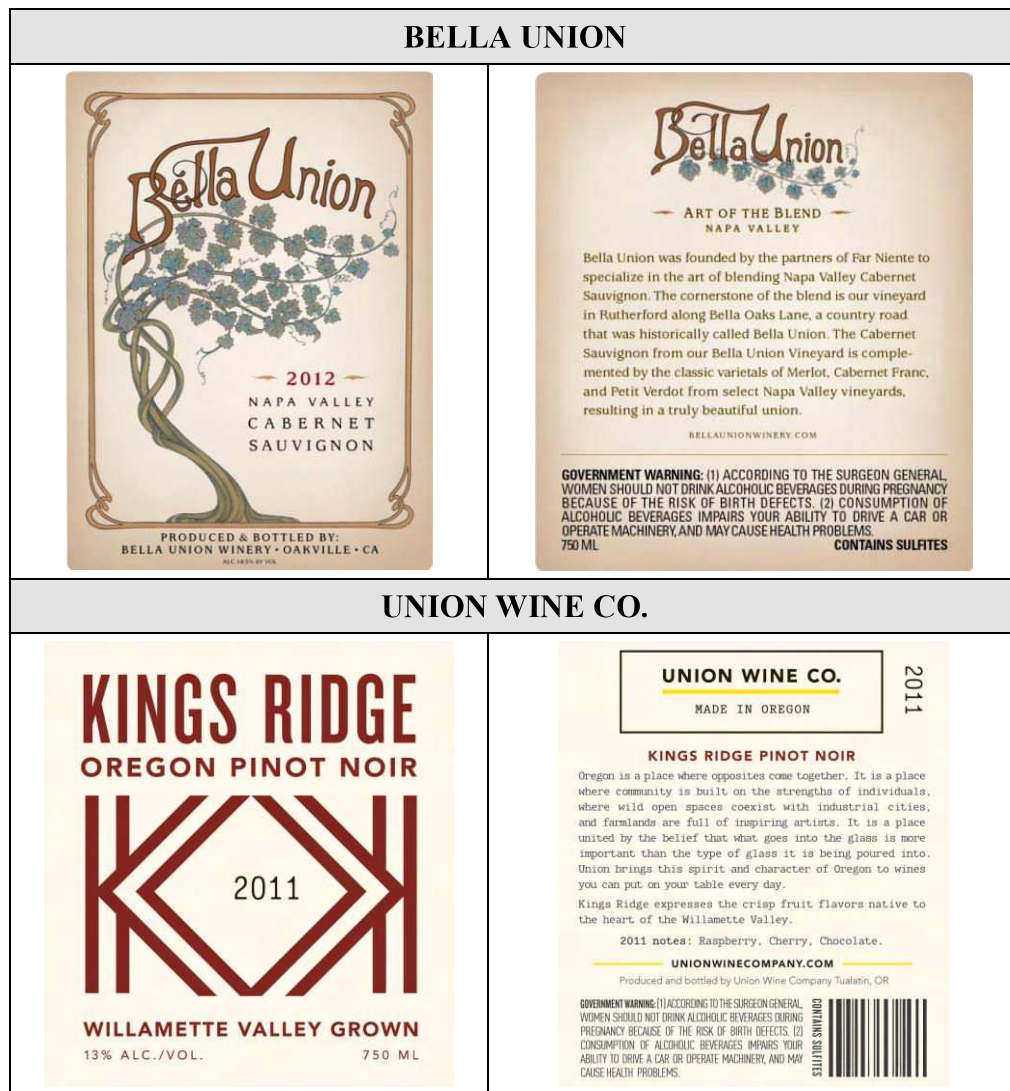
4 28. "[FN Cellars'] registered mark, BELLA UNION, is highly similar to [UWC's]  
5 UNION WINE CO. mark and the trade name Union Wine Company. The dominant portion of both  
6 marks is the term "Union." The goods, wines, are identical. Goods bearing these marks and trade  
7 name would be sold to the same distributors, retailers and consumers in the same channels of trade.  
8 There is therefore a likelihood of confusion between the [FN Cellars'] mark and [UWC's] mark and  
9 trade name, and the registration should be cancelled on that basis."

10 29. "The registration and use of the applied-for mark by [FN Cellars] would constitute  
11 use in commerce of a word, name or device and false designation of origin which is likely to cause  
12 confusion, or to cause mistake, or to deceive as to affiliation, connection or association of [FN  
13 Cellars] with [UWC] as to the origin, sponsorship or approval of the goods offered in connection  
14 therewith."

15 30. "[T]he original applicant of [FN Cellars'] mark did not have a  
16 bona fide intention to use the mark on the goods at the time it filed its application. The registration  
17 is therefore void ab initio."

18 (a) "[T]he registered mark was not in use in commerce on the  
19 goods as of the date of the filing of the Statement of Use, August 11, 2014. The registration is  
20 therefore void ab initio."

21 31. FN Cellars denies each of these allegations, and contends that, as a matter of  
22 undisputed fact, there can be no likelihood of consumer confusion between its BELLA UNION  
23 mark for wine, and UWC's alleged UNION WINE CO. mark for wine, as the commercial  
24 impression of the marks, as reflected below, is completely dissimilar:



32. It should therefore come as no surprise that UWC has never identified a single instance of actual confusion, and FN Cellars is unaware of any such instances of confusion.

33. Moreover, as FN Cellars' counsel noted in its July 10, 2014 letter, the term "Union" is widely used in connection with wines, spirits and malt beverage products, and numerous registrations incorporating the term "Union" co-exist on the Principal Register in In

Mark	International Class	Registration No.	Date Registered
PHILLIPS UNION	33 (Flavored blend of Canadian whiskey and Kentucky bourbon)	3,061,228	February 21, 2006
PERFECT UNION	33 (Wines)	4,172,901	July 10, 2012
HOPONIUS UNION	32 (Beers)	4,324,259	April 23, 2013

Mark	International Class	Registration No.	Date Registered
CERVEERIA U ION	32 (Beer)	4,345,503	June 4, 2013
MEZCAL UNIÓN	33 (Alcoholic beverages, except beers and wines)	4,373,736	July 23, 2013
U ION CRAFT BREWING	32 (Beers)	4,410,239	October 1, 2013
ANGRY UNION BREWING	32 (Brewed malt-based alcoholic beverage in the nature of a beer)	4,451,004	December 17, 2013

34. In addition, on information and belief, the price points at which FN Cellars' California-produced BELLA UNION wines and UWC's alleged Oregon-produced UNION WINE CO. wines are offered for sale and sold are drastically different, with the average retail price of BELLA UNION wines topping \$80.00, while the average price of UNION WINE CO. wines comes in below \$20.00.

35. This significant pricing differential further suggest that BELLA UNION wines and UNION WINE CO. wines do not target the customer base, and are largely marketed through different channels of trade.

**FIRST CLAIM FOR RELIEF  
(Declaratory Judgment of Validity  
of U.S. Trademark Reg. No. 4,618,420)**

36. The allegations of paragraphs 1 through 31 are incorporated herein by reference.

37. An actual and justifiable controversy exists between the parties with respect to the validity of FN Cellars' U.S. Trademark Registration No. 4,618,420 for the BELLA UNION mark in connection with wine products.

38. UWC asserts that FN Cellars' U.S. Trademark Registration No. 4,618,420 for the BELLA UNION mark in connection with wine products is invalid because (a) FN Cellars' predecessor-in-interest, N&N, did not have a bona fide intention to use the BELLA UNION mark in connection with wine products at the time it filed its application to register the BELLA UNION mark, and/or (b) the BELLA UNION mark was not used in commerce on wine products as of the date N&N filed its Statement of Use.

1           39. FN Cellars asserts that its U.S. Trademark Registration No. 4,618,420 for the  
2 BELLA UNION mark in connection with wine products is valid, and that its predecessor-in-  
3 interest, N&N, did not have a bona fide intention to use the BELLA UNION mark in connection  
4 with wine products at the time it filed its application to register the BELLA UNION mark, and that  
5 the BELLA UNION mark has been used on wine in commerce since at least as early as August 4,  
6 2014.

7           40. FN Cellars seeks declaratory relief pursuant to 28 U.S.C. §2201 and Federal Rule of  
8 Civil Procedure 57, confirming the validity and enforceability of FN Cellars' U.S. Trademark  
9 Registration No. 4,618,420 for the BELLA UNION mark in connection with wine.

10  
11                           **SECOND CLAIM FOR RELIEF**  
                          **(Declaratory Judgment of Non-Infringement)**

12           41. The allegations of paragraphs 1 through 36 are incorporated herein by reference.

13           42. An actual and justifiable controversy exists between the parties with respect to FN  
14 Cellars' rights to the use of the mark BELLA UNION in connection with wine products.

15           43. UWC asserts that FN Cellars' use of the mark BELLA UNION infringes UWC's  
16 rights in its alleged UNION WINE CO. mark.

17           44. FN Cellars asserts that there is no likelihood of confusion between UWC's use of the  
18 UNION WINE CO. mark on wine and FN Cellars' use of the BELLA UNION mark on wine, and  
19 that FN Cellars' use of the BELLA UNION mark does not infringe any trademark rights of UWC.

20           45. FN Cellars seeks declaratory relief pursuant to 28 U.S.C. §2201 and Federal Rule of  
21 Civil Procedure 57, confirming that FN Cellars' use of the BELLA UNION mark in connection  
22 with wine does not infringe any trademark rights of UWC.

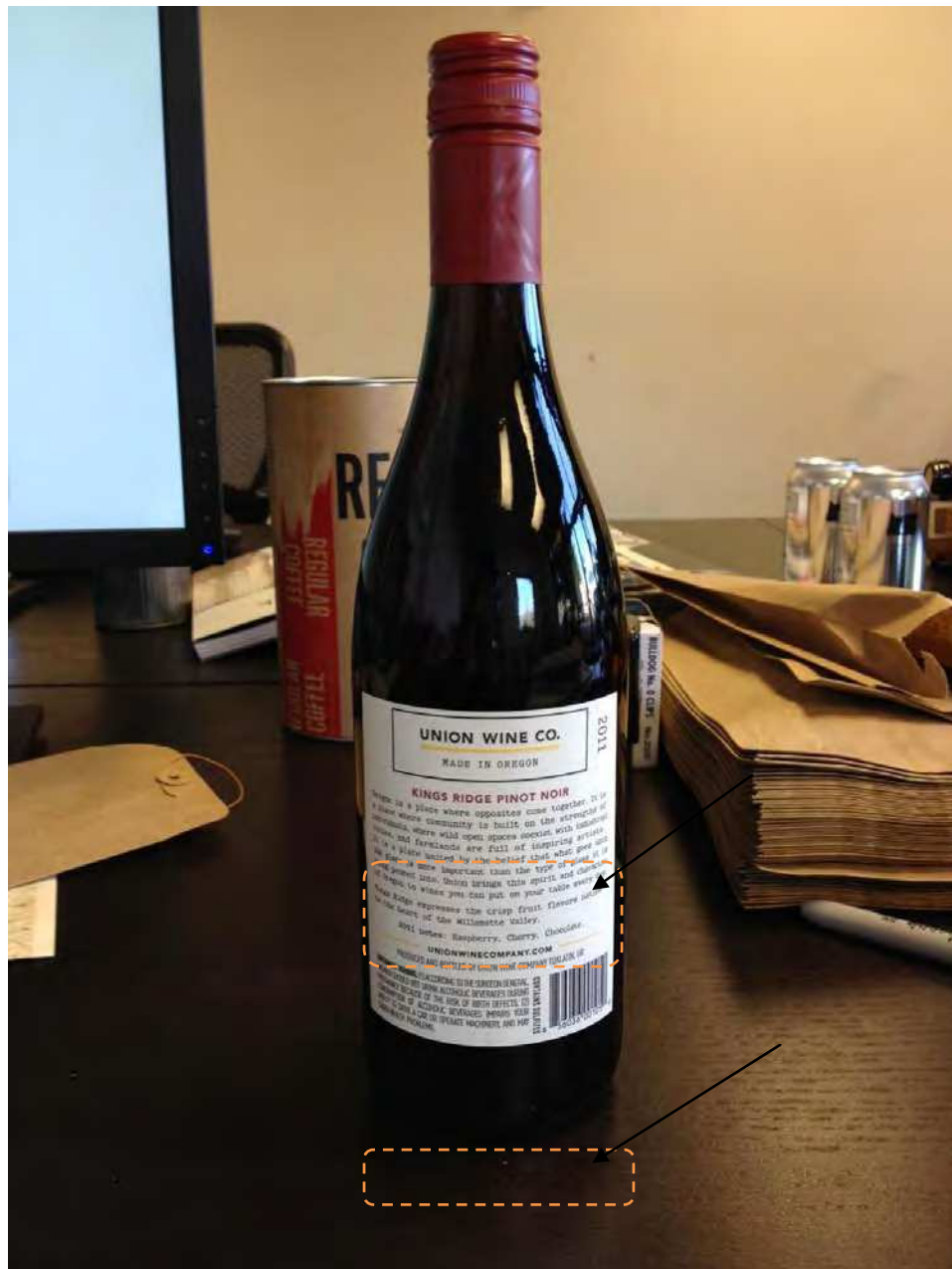
23  
24                           **THIRD CLAIM FOR RELIEF**  
                          **(Cancellation of U.S. Trademark Reg. No. 4,486,053)**

25           46. The allegations of paragraphs 1 through 41 are incorporated herein by reference.

26           47. On information and belief, as of November 27, 2013, UWC was not using the term  
27 "Union Wine Co." as a trademark to identify or distinguish the goods identified in its Statement of  
28

1 Use — namely, “wines” — but rather was merely using the term “Union Wine Co.” as trade or  
 2 company name.

3 48. Indeed, the specimen UWC submitted to the USPTO in connection with its  
 4 November 27, 2013 Statement of Use shows the term “Union Wine Co.” being used on the *back*  
 5 label for “Kings Ridge Pinot Noir” brand wine, merely to identify UWC as the business entity  
 6 which produced and bottled the wine. A true and correct copy of the specimen UWC submitted to  
 7 the USPTO in support of its November 27, 2013 Statement of Use of the UNION WINE CO. mark  
 8 appears below:



1           49. On information and belief, the following is a true and correct image of the *front* label  
2 of UWC's "Kings Ridge Pinot Noir" brand wine, which does not include the designation UNION  
3 WINE CO.:



4  
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13           50. On information and belief, the specimen UWC submitted to the USPTO in  
14 connection with its November 27, 2013 Statement of Use is not a legitimate example of the UNION  
15 WINE CO. mark being used in U.S. commerce in connection with the goods — namely, "wines" —  
16 identified in U.S. Trademark Registration No. 4,486,053.

17           51. On information and belief, UWC has *never* used the term UNION WINE CO. as a  
18 trademark to identify or distinguish any of the wine products that it has offered for sale and/or sold  
19 or currently offers for sale and/or sells.

20           52. On information and belief, UWC's sworn Statement of Use submitted to the USPTO  
21 was therefore fraudulent, or in reckless disregard of the true facts.

22           53. Section 1064 of Title 15 of the U.S. Code provides that a person who believes he is  
23 likely to be damaged by registration of a mark on the Principal Register may petition to cancel the  
24 registration.

25           54. Section 1064 of Title 15 of the U.S. Code further provides that fraudulently  
26 obtaining a registration is a basis for cancellation and that a claim to cancel a registration on  
27 grounds of fraud may be brought at any time.

1           55. Section 1119 of Title 15 of the U.S. Code provides that, in any action involving a  
2 registered mark, the Court has the power to cancel the registration.

3           56. FN Cellars believes it is likely to be damaged by the maintenance of UWC's U.S.  
4 Trademark Registration No. 4,486,053, because UWC is asserting that registration against FN  
5 Cellars in a cancellation proceeding pending before the TTAB in an effort to disrupt FN Cellars'  
6 business. Therefore, FN Cellars has standing in this action to seek cancellation of UWC's U.S.  
7 Trademark Registration No. 4,486,053.

8           57. On information and belief, UWC obtained U.S. Trademark Registration No.  
9 4,486,053 fraudulently, by knowingly, or with reckless disregard of the true facts, representing to  
10 the USPTO in its November 27, 2013 Statement of Use that the UNION WINE CO. mark was in  
11 use as a trademark identifying or distinguishing its wines, when in fact it was not.

12           58. UWC's representation that the UNION WINE CO. mark was in use as a trademark  
13 identifying or distinguishing its wines was material to the registrability of UWC's UNION WINE  
14 CO. mark, in that the USPTO would not have issued a registration without such a representation.

15           59. On information and belief, UWC falsely represented that the UNION WINE CO.  
16 mark was in use as a trademark identifying or distinguishing its wines, with knowledge that such  
17 representation was false and with the intention of deceiving the USPTO into issuing a registration  
18 that it would not have issued otherwise.

19           60. On information and belief, UWC did not use the term "Union Wine Co." as a  
20 trademark, prior to the statutory deadline allowed for demonstrating use — *i.e.*, November 28, 2013  
21 — a                   ION WINE CO. mark was not eligible for federal registration when  
22 registered.

23           61. Accordingly, maintenance of U.S. Trademark Registration No. 4,486,053 is contrary  
24 to law, and this registration should be cancelled pursuant to the Court's authority under 15 U.S.C.  
25 §1119.

26           WHEREFORE, FN Cellars prays for relief as follows:

27           62. A declaration that FN Cellars' U.S. Trademark Registration No. 4,618,420 for the  
28 BELLA UNION mark is valid and enforceable;

63. A declaration that FN Cellars' use of the BELLA UNION mark does not infringe any trademark rights, or other rights, of UWC;

64. An order, certified to the Director of the USPTO, for cancellation of U.S. Trademark Registration No. 4,486,053;

65. An award of its attorneys' fees pursuant to 15 U.S.C. §1117 because UWC's fraud renders this case an "exceptional" one;

66. An award of its costs; and

67. Any and all such other and further relief the Court deems just and proper.

## JURY TRIAL DEMANDED

Pursuant to Rule 38(a) of the Federal Rules of Civil Procedure, FN Cellars demand trial by jury of all issues properly triable of right by a jury.

DATED: May 21, 2015

ARNOLD & PORTER LLP

By: /s/Douglas A. Winthrop  
DOUGLAS A. WINTHROP

*Attorneys for Plaintiff FN CELLARS, LLC,  
a Delaware limited liability company*

EXHIBIT A

United States of America  
United States Patent and Trademark Office

BELLA UNION

**Reg. No. 4,618,420**

**Registered Oct. 7, 2014**

**Int. Cl.: 33**

**TRADEMARK**

**PRINCIPAL REGISTER**

NICKEL & NICKEL VINEYARDS, LLC (CALIFORNIA LIMITED LIABILITY COMPANY)  
P.O. BOX 327  
OAKVILLE, CA 94562

FOR: WINE, IN CLASS 33 (U.S. CLS. 47 AND 49).

FIRST USE 8-4-2014; IN COMMERCE 8-4-2014.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

THE ENGLISH TRANSLATION OF THE WORD "BELLA" IN THE MARK IS "BEAUTIFUL".

SN 86-002,964, FILED 7-5-2013.

CATHERINE TARCU, EXAMINING ATTORNEY



*Nichelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

EXHIBIT B

United States of America  
United States Patent and Trademark Office

UNION WINE CO.

**Reg. No. 4,486,053**

**Registered Feb. 18, 2014**

**Int. Cl.: 33**

**TRADEMARK**

**PRINCIPAL REGISTER**

UNION WINE COMPANY (OREGON CORPORATION), DBA UNION WINE CO.,  
P.O. BOX 370  
SHERWOOD, OR 97140

FOR: WINES, IN CLASS 33 (U.S. CLS. 47 AND 49).

FIRST USE 11-28-2012; IN COMMERCE 10-9-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 3,233,182.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "WINE CO.", APART FROM THE MARK AS SHOWN.

SN 85-747,805, FILED 10-8-2012.

JOHN GARTNER, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office